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EXAMINER

HUSSAIN, TAUQIR

ART UNIT

PAPER NUMBER

2452

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/677,418 | <b>Applicant(s)</b><br>LEI ET AL. |  |
|                              | <b>Examiner</b><br>TAUQIR HUSSAIN    | <b>Art Unit</b><br>2452           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2008 has been entered.

### ***Response to Amendment***

2. This office action is in response to amendment /reconsideration filed on 12/22/2008, the amendment/reconsideration has been considered. Claims 1, 10, 32 and 43 have been amended. Claims 1-55 are pending for examination, the rejection cited as stated below.

### ***Response to Arguments***

3. Applicant's arguments filed on 12/22/2008 have been fully considered with regard to claim 51-55 but they are not deemed to be persuasive. In the remarks, applicant argued in substance that

(a) Prior art "Kageyama and Fenton" does not teach, "identifying at least a portion of multi-media content to a user, said portion having a unique identification associated therewith..." or "under control of said user, sending a message to a host remote from said user...upon receipt by said host of said user, delivering said MMS ....at least one proposed recipient."

Examiner respectfully disagree and again cites Fenton, [0066] which explains that each abstract message carries with it certain information elements, which may vary according to the specific message and in light of Fig.11 these messages are going back and forth for responses and acknowledgments which describes that messages have the identification or addresses which can be interpret a unique identification and further Fenton describes "the MMS application protocol will provide means to uniquely identify the version number and message type in each abstract message defined here. Additionally, the concept of identifying a unique identity associated with a message is disclosed already and therefore can be applied to various steps in processing of message in MMC environment. It can also be seen in Fig. that there are more than one user agents coupled with various different network and therefore message is going from one network to another network and therefore one of this user agent will be receiving the message and the other will be sending the message and than we have MMS VAS Application which determines the message type and protocol version as explained above.

4. As to claims 1-50 applicants' arguments are moot in view of new grounds of rejection as cited below.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 43 recite “where user **may** direct a transfer of large bandwidth... in the preamble makes the claim language indefinite whether it will or will not direct a transfer. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman et al. (Pub. No.: US 2002/0103935 A1), hereinafter “Fishman” in view of Kageyama et al. (Pub. No. US 2003/0097463 A1), hereinafter “Kageyama” and further in view of Huang et al. (Pub. No.: US 2005/0038892 A1), hereinafter “Huang”

2. As to claim 1, Fishman discloses, storing, in a media delivery system, content to be delivered from a first user device to a second user device, wherein said stored content is received from a device other than first user device and said storing allows said media delivery system to accept information pertaining to said stored content (Fishman, Fig.2, Abstract, content server is equivalent to media delivery system and Gateway receives the content to deliver it to devices A, B or C, Content store stores the user and device specific information and obviously content server has the data stored prior to receiving a request from client device);

accepting information from said first user device with respect to said stored content to be delivered to said second user device (Fishman, Fig.2, gateway-250, content server-210, Abstract, where gateway receives the content from content server and delivers it to second user e.g. device A, B or C );

performing media negotiation with a system associated with said second user device to inform said media delivery system of attributes of said second user device (Fishman, Fig.2, Abstract, where Gateway performs negotiations in terms of transform A, transform B or transform C to get the device); and

configuring, by said system, said content for delivery to said second user device as a function of said attributes of said second user device (Fishman, Fig.2, gateway-250, Abstract, where transform A, B and C are configuring modules for the content to be delivered to device A, B or C respectively).

Fishman however is silent that configuration is done by media delivery system.

Kageyama however discloses, contents are configured by media delivery system according to device specific (Kageyama, Fig.1, element-14, [0063], where content management module configures the content by center device).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Fishman with the teachings of Kageyama in order to provide a system to have a system where device and user attributes can be negotiated at same time in order to know the specific history of user and associated device for enhanced data processing among known community of users.

Fishman and Kageyama discloses the invention substantially however, Fishman and Kageyama are silent on disclosing explicitly,"communication between first user device and second user device."

Huang however discloses a similar concept of communication between first and second user device via MMSC server (Huang, Fig.5, [0011], where sender device sends the message via MMSC to a recipient)

Therefore it would have been obvious to combine the teachings of Fishman and Kageyama with the teachings of Huang in order to provide a Java based client defined to operate in conjunction with the virtual machine. The Java based client is configured to enable wireless communication with a server using an internet protocol and to transmit the message to destination.

3. As to claim 2 and 5, Fishman, Kageyama and Huang disclose the invention substantially as in parent claim 1 above, including, wherein first user device and said second user device are associated with a same user, and wherein said first user device and second user device provides said content to said user using different media modes (Fishman, Fig. 2 element A, B, C, [0004], where disclosed is plurality of devices associated to one user e.g. laptop and a desktop and further [0005] disclosed is the content based on business and personal settings).

4. As to claim 3, carries similar limitations as claim 1 above, therefore is rejected under for same rationale.

5. As to claim 4, Fishman, Kageyama and Huang disclose the invention substantially as in parent claim 1 above, including, wherein said content comprises advertising content referred to said plurality of user devices by a user of said first user device (Fishman, [0009], where disclosed is a multimedia content which is equivalent to

advertisement and multicasting to batch emailing is obvious in the technology to address the same message to more than one recipient).

6. As to claim 6, Fishman, Kageyama and Huang disclose the invention substantially as in parent claim 1 above, including, wherein said first user device comprises one of a wireless device and a wire line device (Fishman, [0004], where user is associated with a laptop and a desktop computers) and said second user device comprises the other one of said wireless device and said wire line device (Fishman, [0004], since it is established that laptop and desktop computers are used by the same user, therefore it would be obvious for other users to have the same setup).

7. As to claim 7, Fishman, Kageyama and Huang disclose the invention substantially as in parent claim 1 above, including, storing and forwarding, by said media delivery system, said content for delivery to said second user device (Fishman, Fig.2, element-230, [0034], where content store stores the data to be delivered to devices A, B or C when request is processed).

8. As to claim 8, Fishman, Kageyama and Huang disclose the invention substantially as in parent claim 1 above, including, transcoding, by said media delivery system, said content for delivery to said second user device (Fishman, Fig.2, element-254, 256 and 258 is [0036], where element-254 is equivalent to transcoding the information according to devices A, B or C).



8. As to claim 9, Fishman, Kageyama and Huang disclose the invention substantially as in parent claim 1 above, including, determining, by said media delivery system, how to relay said content to said second user device as a function of said attributes of said second user device (Fishman, Fig.2, [0039], where content server 210 may include rules for determining the type of content that should be sent to mobile gateway 250).

9. Claims 10, 32 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al. (Pub. No.: US 2003/0193951 A1), hereinafter "Fenton" in view of Fishman.

10. As to claim 10 and 32, Fenton discloses the invention substantially including, a database storing multi-media content, said stored content being uniquely identified (Fenton, [0008], where disclosed is a multimedia database and obviously database and [0066] discloses the means to uniquely identify a version number and message type which can interpret as unique identifier for each content, record, item etc.); and

a server coupled to said database and a communication network (Fenton, Fig.1, element-130, 134, 124, 116 and 118) said server adapted to receive from a first user device of a plurality of user devices a message (Fenton, Fig.1, element-102,104,106,108 etc. can be interpret as users or devices, [0041, lines 2-4], where server receives the message from one of the users) including identification of certain content of said stored content for sending at least a portion of said stored content to a second user device of said plurality of user devices as a multi-media message (Fenton,

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Fig.1, element- 130, 132 and 134, [0041, lines 5-30], where message along with content is assigned an identification along with multimedia type, delivery options, time stamp etc.).

Fenton however is silent on disclosing explicitly, wherein said stored content is received from a device other than said first user device.

Fishman however discloses, wherein said stored content is received from a device other than said first user device (Fishman, Fig.2, Abstract, content server is equivalent to media delivery system and Gateway receives the content to deliver it to devices A, B or C, Content store/Web server stores the user and device specific information along with data and obviously content server/web server has the data stored prior to receiving a request from client device, further in a database such as disclosed by Fishman, any new data stored is identified and assigned a unique identity which is also well known in the art);

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton with the teachings of Fishman in order to provide a mobile gateway to customize content based on one or more operating characteristic of a mobile client. The mobile gateway includes content transforms based on the individual operating characteristics of the various mobile clients that are supported. Upon receiving content for a mobile client, the mobile gateway identifies the appropriate transform, transforms the content, and sends the transformed content to the mobile client.

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11. As to claim 43, Fenton and Fishman disclose, the invention substantially as applied to claims 10, and 32 above, including, a gateway server for use in a communication network where users may direct a transfer of large bandwidth messages, to other users (Fenton, Fig.1, Element-126), said gateway server comprising:

at least one database for storing content (Fenton, Fig.1, Element-132, 134), said stored content being uniquely identified (Fenton, Fig.1, [0041, lines 22-31], and

distribution control apparatus for receiving from at least one of said users a unique identification of certain content of said stored content (Fenton, Fig.1, Element-126, [0028], where MMS server acts as message distributor) and for sending at least a portion of said uniquely identified content to a recipient identified by said one user (Fenton, Fig.1, [0028], where message is personalized, filtered, screened, formatted, deleted base on user profile is done at MMS server),

wherein said receiving occurs after said content has been stored and uniquely identified (Fishman, Fig.2, Abstract, content server is equivalent to media delivery system and Gateway receives the content to deliver it to devices A, B or C, Content store/Web server stores the user and device specific information along with data and obviously content server/web server has the data stored prior to receiving a request from client device, further in a database such as disclosed by Fishman, any new data stored is identified and assigned a unique identity which is also well known in the art).

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12. As to claim 44, is rejected for the same rationale as applied to claim 43 above and further, Fishman discloses the user preferences (Fishman, Fig.2, [0011], where specific attributes are exchanged to deliver the message as per device requirements).

13. Claims 11-21, 24-29, 31, 33-42 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton and Fishman as applied to parent claims 10 and 32 above in view of Kontio et al. (Pub. No.: US 2004/0249768 A1), hereinafter "Kontio".

14. As to claim 33, Fenton and Fishman disclose the invention substantially as in parent claim 32, including, displaying content to said first user (Fenton, [0026], where user has the ability to view the message.

Fenton and Fishman however are silent on, wherein said displaying said content includes providing information identifying corresponding said stored content. Kontio however discloses, wherein said displaying said content includes providing information identifying corresponding said stored content (Kontio, Abstract, where digital voucher references a primary content that contains information that can distilled out a preview).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton and Fishman as applied to claims above with the teachings of Kontio in order to provide a system to control the distribution of digital assets in communications network.

15. As to claim 34, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 32, including, wherein said content is displayed to said first user on a

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device separate from said use device (Kontio, [0232], where kiosk terminal could be the separate device from user device or device in used).

16. As to claims 28 and 35, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device comprises a device selected from, a kiosk (Kontio, [0238], which has a display monitor where product is displayed and key's could be used to retrieve data or specification about product and downloading ticket is a form of transaction).

17. As to claim 36, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device provides said information identifying corresponding said stored content to said first user device electronically (Fenton, [0028], where appropriate message format could be an electronic mail).

18. As to claim 37, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device receives said abbreviated message from said first user device (Kontio, [0018], where inquiring device is user device and listening device can be said separate device and inquiry message searching could be abbreviated message).

19. As to claim 38, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, transmitting, by said first user device, said abbreviated message via a native network of said first user device (Fenton, Fig.1, [0026], where

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message can be send or received via one or more network and any of the displayed network could be a native network).

20. As to claim 39, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 38, including, wherein said native network comprises a cellular telephone network (Fenton, Fig.1, Element-118, 120, 122).

21. As to claim 40, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 40, including, wherein said native network comprises a WLAN (Fenton, Fig.1, Element-124, where internet/IP Network could be WLAN).

22. As to claim 41, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 32, including, wherein said abbreviated message comprises a short message service (SMS) message (Fenton, [0003], where messages could be SMS).

23. As to claim 42, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 32, including, prior to said compiling said data rich message, identifying a version of said certain content suitable for use by said second user device (Fenton, [0066, lines 32-38], where message carries the version and [0028], where all the compilation such as, formatting, screening, deleting and modification is done).

24. As to claim 11, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 10, including, wherein said stored content comprises different versions of a same content material (Kontio, Abstract, where primary and secondary information can be interpret as two different version.

25. As to claim 12, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 10, including, wherein said different versions comprise a higher resolution version of said content material and a lower resolution of said content material (Kontio, Abstract, where preview could be a low resolution and secondary information could be a high resolution information. Further examiner takes to official notice that having a low and high resolution is well know in the art to deal with bandwidth constraints and compatibility issues).

26. As to claims 13 and 14, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 10, including, wherein said at least a portion of said stored content included in said multi-media message sent to said second user is selected to optimize transmission of said message in a network associated with said second user device (Kontio, [0234], where there are different solutions provided to control the bandwidth by encrypting the message, by issuing a certificate etc.).

27. As to claim 15, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 11, including, wherein said at least a portion of said stored content included in said multi-media message sent to said second user is selected by said first user device (Fenton, [0028], where message is sent from the first device to MMS and after configuring or modifying the message MMS sends it to the user or second device).

28. As to claim 16, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 11, including, wherein said at least a portion of said stored content

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included in said multi-media message sent to said second user is selected by said server (Kontio, Abstract, where server process the secondary information for the user device).

29. As to claim 17, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 10, including, wherein unique identification of said stored content comprises content identification codes (Kontio, [0236], where CID is a unique identifier for the content).

30. As to claim 18, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 17, including, wherein said content identification codes comprise unique codes for each of a plurality of content versions (Fenton, [00966, where MMS application protocol provides the means to uniquely identify the version number and message type in each abstract message).

31. As to claim 19, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 17, including, wherein said content identification codes comprise unique codes for a family of related content (Fenton, [0116], where all multimedia messages will be organized as MIME type and MIME type could be the family code).

32. As to claim 20, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 17, including, wherein a content identification code of said content identification codes is provided with a display of content (Fenton, [0117], where header information contains the necessary identification code), said content identification code



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being used in compiling said message from said first user device (Fenton, [0117], where header information is used for mapping between elements and common header fields).

33. As to claim 21, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 20, including, wherein said content identification code is displayed unobtrusively during said display of content (Fenton, [0116], where header information is displayed unnecessarily).

34. As to claims 24 and 25, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 10 and 24, including, wherein said advertisement device provides a user device interface for data communication with said first user device (Kontio, Fig.3A, [0386], where voucher device provides a user device the ability to download, store or distribute the voucher).

35. As to claim 26, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 25, including, wherein said data communication provides communication of content identification information to said first user device by said advertisement device (Kontio, [0100], where new unique identifier is received by user from the voucher which gives the user access to the related content).

36. As to claim 27, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 25, including, wherein said data communication provides communication of said message from said first user device to said advertisement device (Kontio, [0386], where user device initiates the message to voucher device).

37. As to claim 29, Fenton, Fishman and Kontio discloses the invention substantially as in parent claim 24, including, wherein said advertisement device is disposed in a WLAN service area (Fenton, Fig.6, Element-616).

38. As to claim 31, Fenton, Fishman and Kontio discloses the invention substantially as in parent claim 100, wherein said multi-media message comprises a message delivered using a multi-media message service (MMS) protocol (Fenton, [0066], where MMS protocol is used for delivering multimedia content).

39. As to claim 45, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said stored content is not stored under control of said user (Fenton, Fig.1, Element-134, Abstract, where database is storage content and is a centralized database).

40. As to claim 46, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 43, including, transmission apparatus for sending portions of said stored content (Fenton, Fig.1, [0028], where MMS is used for sending and receiving messages with unique message identifiers and can format, filter and screen messages), along with corresponding said unique identity of said content, over a communication network in a non-user specific broadcast mode (Fenton, Fig.1, [0029], where MMS Relay 128 uses the appropriate protocol e.g. "SMTP" to transfer the messages).

41. As to claim 47, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said gateway server includes said transmission

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apparatus (Fenton, Fig.1, Element-128 can be interpret as transmission apparatus since it uses SMTP protocol which is used for data transmission).

42. As to claim 48, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said database is arranged to include at least one message specific to one of said users (Fenton, [0027], where database 134 is customer or subscriber directory and contains a customized processing instructions specific to the user).

43. As to claim 49, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said message specific to one of said users is also available to selected others of said users (Fenton, [0027], since database 134 is communicatively coupled to the other databases and MMS server therefore, it is available to other users also).

44. As to claim 50, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 43, including, wherein said user is charged for the use of said database according to certain parameters (Fenton, [0045], where customer is charged for submitting or retrieving multimedia messages).

45. Claims 22-23, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Fishman and Kontio as applied to parent claim 24 above in view of Lewis (Pub. No.: US 2005/0256937 A1), hereinafter "Lewis".

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46. As to claim 30, Fenton, Fishman and Kontio disclose the invention substantially as in parent claim 24. Fenton, Fishman and Kontio however are silent on, wherein said advertisement device is disposed in a form of public transportation.

Lewis however, discloses wherein said advertisement device is disposed in a form of transportation (Lewis, [0019], where product support for sales force is implemented on mobile transport and further it will be obvious modification to advertise the product information on any other sort of transportation.

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton and Kontio with the teachings of Lewis in order to provide mobile product support to customer on site.

47. As to claim 22 and 23, Fenton, Fishman Kontio and Lewis disclose the invention substantially as in parent claim 10, including, wherein said first user device comprises, a cellular telephone; a personal digital assistant; and a computer system (Lewis, Claim 53, where third party diagnostic tools containing wireless phone, PDA and a personal computer).

48. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (Pub. No.: US 2003/0097463 A1), hereinafter "Kageyama" in view of Fenton.

49. Claims 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama, and Fenton as applied to parent claims 51 above in view of Kontio et al. (Pub. No.: US 2004/0249768 A1), hereinafter "Kontio".

50. Kageyama, Fenton and Kontio have been cited as prior arts in the last office action dated 10/03/2008. The teachings that applicable are respectfully maintained and incorporated by reference as set forth in the last office action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./  
Examiner, Art Unit 2452

/Kenny S Lin/  
Primary Examiner, Art Unit 2452